IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2646 OF 2004

Salim A. Rupani. ... ... Petitioner
v/s.
Development Credit Bank Limited & ors. ... ... Respondents

Mr.Janak Dwarkadas, Sr.Counsel with Mr.M.P.S.Rao and Mr.Akshay Vani i/by M/s.Singhani & Co. for petitioner.

Mr.Shyam Divan with Mr.V.K.Singh and Mr.Tated i/by M/s.Mahimtura & Co. for res.No.1.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 27TH JANUARY 2005

P.C. :

1. Heard Mr.Dwarkadas in support of this petition. Mr.Divan appears for the 1st respondent-Bank. All other respondents are served.

2. The prayer in this petition is essentially for a direction to respondent No.1-Bank to make payments under certain deposits stated to be fixed deposits and also with interest thereon. The proper course for the petitioner is to file a suit, if he is so aggrieved by non-return of the

amount. A writ petition is not the proper remedy. The petition is rejected.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)